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PROJECT NO. 51841

REVIEW OF 16 TAC § 25.53	§	PUBLIC UTILITY COMMISSION
RELATING TO ELECTRIC SERVICE	§	OF TEXAS
EMERGENCY OPERATIONS PLANS	§	

**COMMENTS OF
TEXAS ELECTRIC COOPERATIVES, INC.**

Texas Electric Cooperatives, Inc. (TEC) respectfully submits these comments in response to the Public Utility Commission of Texas (PUC or Commission) Staff's Proposal for Publication of Repeal of 16 TAC §25.53 and Replacement with Proposed New 16 TAC §25.53, as Approved at the November 30, 2021 Open Meeting, which was filed in Project No. 51841 on December 1, 2021 (the PFP). TEC is the statewide association of electric cooperatives operating in Texas, representing its members except as their interests may be separately represented.¹ The PFP directs comments to be filed by January 4, 2022. These comments are timely filed.

I. Introduction

TEC appreciates the Commission's effort to improve the uniformity and structure of emergency operations plan (EOP) reporting. TEC recognizes the importance of being prepared for emergencies, and its diverse member systems operating throughout the state are committed to that effort. The EOP rule was originally adopted in 1999 and has since been revised twice.² The comments and considerations addressed in those prior rulemakings still apply today. As in those rulemakings, the Commission should endeavor to strike a fair balance between the costs of compliance and the potential public benefit from additional obligations associated with EOPs.

While the proposed repeal and re-adoption of 16 TAC §25.53 contains many provisions pertaining to EOPs that exist today, there are several key changes that will increase burdens and costs on electric cooperatives without a corresponding additional public benefit. For instance, absent a material change to an EOP, or emergency situation that activates an EOP, there is no need

¹ TEC's 75 members include distribution cooperatives that provide retail electric utility service to approximately 4,000,000 consumers in statutorily authorized service areas that encompass more than half of the total area of the state. TEC's G&T members generally acquire generation resources and power supply for their member distribution cooperatives and deliver electricity to them at wholesale.

² *Rulemaking Regarding Electric Reliability Standards*, Project No. 21076; *Rulemaking to Repeal PUC Subst. R. §25.53 and Propose New §25.53 Relating to Electric Service Emergency Operations Plans*, Project No. 34202; *Rulemaking Proceeding Relating to Emergency Operations*, Project No. 39160.

for mandatory annual reporting requirements. Entities would refile the same EOP. Such a requirement only increases costs and detracts from the resources that electric cooperatives could devote to system operations. Distribution of an EOP to all local jurisdictions is similarly overly burdensome, as there could be hundreds of local jurisdictions covered by such a requirement. Some of the new requirements, as applied to electric cooperatives, also appear to exceed the Commission's limited jurisdiction over retail electric distribution cooperatives. The amendments to Tex. Util. Code §186.007 in the 87th Regular Session did not change this jurisdiction. The Commission may request reports from a retail electric distribution cooperative,³ but the Commission should avoid determining such a cooperative's operations, service quality or reliability standards, drills, or meetings to discuss weather emergencies. PURA reserves these powers to the exclusive jurisdiction of the electric cooperative's board of directors.⁴

An executive summary is located at the end of these comments. Attached as Exhibit A are TEC's proposed redline changes to the relevant portions of the PFP.

II. Comments

A. Change initial filing deadline to June 1, 2022, to allow sufficient time for compliance.

Proposed section 25.53(c)(1) of the PFP would require entities to file a new EOP by April 1, 2022. Comments to the PFP are not due until January 4, 2022, after which the Commission must consider the comments, finalize the rule, and approve the rule at an open meeting. It seems plausible that the new rule does not become final until March 2022, leaving little time for entities to revise their EOPs and meet the filing deadline. Given that many of TEC's members are small cooperatives that operate with lean resources on a non-profit basis, TEC urges the Commission to set the initial filing deadline at June 1, 2022, or at least three full months after adoption of the final rule. This should allow all entities sufficient time to modify their EOPs.

Furthermore, in the time between rule adoption and the EOP filing deadline, TEC encourages the Commission and ERCOT to engage in educational outreach with stakeholders regarding the requirement to file the EOP with ERCOT. Some electric cooperatives do not regularly interact with or file materials with ERCOT and may be unfamiliar with the filing

³ Public Utility Regulatory Act (PURA), Tex. Util. Code § 41.004(5).

⁴ PURA § 41.055(6)-(7).

procedures and how to maintain confidentiality. This outreach would be similar to the winter weather readiness report education that ERCOT implemented in November 2021.

B. Annual filing is not necessary. Filing updates upon a material change or activation of the EOP in the prior calendar year is sufficient.

Proposed section 25.53(c)(1) of the PFP would require entities to annually file their EOPs by February 15 each year, regardless of whether there have been any material changes to the EOP or any activation of the EOP in the prior calendar year. Proposed section 25.53(c)(1)(C) also requires entities to include a summary after-action report for each incident in the prior calendar year that required the entity to activate its EOP.

Under the current EOP rule, there is no annual filing requirement for electric cooperatives. Electric cooperatives file an initial EOP or a comprehensive summary of the EOP, and are required to update the EOP or summary within 30 days after a significant change to the plan.⁵ The PFP removes the ability to file a comprehensive summary and requires a public, redacted version and unredacted version be filed. TEC does not see the benefit of requiring entities to refile these redacted and unredacted versions each year, unless there has been a material change or the EOP has been activated in the prior year. Absent those scenarios, entities will be filing the same EOPs, and presumably be required to distribute that same EOP or summary to a potentially large number of local jurisdictions.⁶ The costs of refiling, redistributing, and re-attesting to the EOP each year outweigh any potential benefit to the public. Rather, public benefit is sufficiently achieved by requiring entities to file updated EOPs when there are material changes or if there has been an emergency that required activation of the EOP in the prior calendar year.

Accordingly, TEC proposes changes to new section 25.53(c)(1) to remove the automatic annual filing requirement. An updated EOP should only be required by February 15 each year if the entity activated its EOP and needs to include an after-action report. Updates due to material changes would still be required, as exists today and as proposed in section 25.53(c)(4)(C).⁷

⁵ 16 TAC §25.53(h)(2).

⁶ See proposed 16 TAC §25.53. The burden of local jurisdiction distribution is discussed further below.

⁷ TEC notes that the subsections are numbered incorrectly in §25.53(c). A subsection (c)(2) is missing, thus the subsections should be renumbered (c)(1) – (c)(4).

C. Operational requirements—such as Staff’s ability to review and require changes to an EOP, required meetings, and required drills—should except retail electric distribution cooperatives or be modified to report-only requirements.

The Commission has limited jurisdiction over electric cooperatives.⁸ For instance, the Commission may regulate wholesale transmission rates and service to the extent provided in Subchapter A, Chapter 35, and regulate certification to the extent provided in Chapter 37.⁹ The Commission may require reports of electric cooperative operations to ensure public safety.¹⁰ With respect to managing the operations of an electric cooperative’s utility system or establishing service quality standards, reliability standards, or consumer safeguards for retail electric customers, PURA reserves these powers to an electric cooperative’s democratically-elected board of directors.¹¹ Section 186.007 of the Texas Utilities Code does not change the Commission’s jurisdiction over electric cooperative operations, and in any event, applies only to electric cooperatives that operate generation facilities.¹² Therefore, while the Commission can require reports from electric cooperatives, the reporting requirements should not have the effect of regulating a retail electric distribution cooperative’s operations, service quality or reliability standards, or customer safeguards.

Proposed section 25.53(c)(4)(A)-(B) of the PFP would require an electric cooperative to update its EOP if Commission Staff determines that the cooperative’s EOP does not contain sufficient information to determine whether the cooperative can provide adequate service through an emergency, or in response to feedback provided from Commission Staff. Proposed sections 25.53(e)(1)(A)(iii) (cold weather emergency annex) and (e)(1)(B)(iii) (hot weather emergency annex) would require electric cooperatives to hold pre- and post-weather emergency meetings. And proposed section 25.53(f) would require electric cooperatives to conduct one or more drills each year to test an EOP.

These requirements imply that Commission Staff has the ability to direct or dictate changes to the operations, service quality or reliability standards, or system management of a retail electric distribution cooperative. For instance, Commission Staff could provide feedback requesting a change to an electric cooperative’s plan for responding to a drought, and it appears an electric

⁸ PURA § 41.004.

⁹ PURA § 41.004(1)-(2).

¹⁰ PURA § 41.004(5)(A).

¹¹ PURA § 41.055(6)-(7).

¹² Tex. Util. Code § 186.007(a-1).

cooperative would have to comply with that request by revising its operations and procedures and resubmitting its EOP. Staff's feedback, review, and determination regarding an electric cooperative's EOP therefore has the effect of regulating the cooperative's operations. The PFP would also require meetings and drills that squarely pertain to the operation and management of an electric cooperative's utility system.

TEC does not disagree with the purpose and intent behind these requirements. Texas electric cooperatives are committed to implementing procedures of this type. However, consistent with PURA, the Commission should not dictate these operational requirements to retail electric distribution cooperatives that do not operate a transmission facility or generation resource; rather, the new EOP rule should require such electric cooperatives to report on their plans for these operational items.

The current EOP rule in section 25.53 recognizes this jurisdictional limitation by using a separate subsection (h) applicable only to electric cooperatives. The current rule does not dictate how electric cooperatives implement emergency operations, only that the cooperative explain those procedures in the EOP. The current rule also does not dictate the frequency of drills to an electric cooperative, but rather requires annual reviews of the EOP. These distinctions may appear subtle, but they are important for compliance with PURA.

Accordingly, TEC proposes that the Commission Staff's review and feedback process in sections 25.53(c)(4)(A) and (c)(4)(B) exclude electric cooperatives that do not operate a transmission facility or generation resource. TEC also recommends that the pre- and post-weather emergency meeting requirements in proposed new sections 25.53(e)(1)(A)(iii) and (e)(1)(B)(iii) be revised to a reporting requirement that describes an entity's "procedures to review lessons learned from past weather emergency incidents." The latter would accomplish the intent of the rule without improperly dictating to electric cooperatives the number of meetings or manner in which a review is conducted. With respect to drills, TEC recommends that section 25.53(f) be revised to exclude an electric cooperative that does not operate a transmission facility or generation resource from specific drilling requirements, and instead require such electric cooperative to describe its plans for drilling activities to test its EOP.

D. Distribution to local jurisdictions is overly burdensome, and the record of internal distribution should be limited to management-level employees.

Proposed section 25.53(d)(4)(D) of the PFP creates a new requirement for entities to attest that they have distributed their EOP or a summary of the EOP to local jurisdictions. The term “local jurisdictions” is not restricted by geography and could cover cities, counties, emergency service districts, water districts, health districts, river authorities, or toll authorities, to name a few. Even if limited to incorporated cities and counties in an entity’s service territory, or within a certain radius of its headquarters, this could be a particularly burdensome requirement. A single electric cooperative operates in numerous counties, each of which likely has 20 or more cities and other “local jurisdictions.” It is conceivable that most electric cooperatives would have to distribute the EOPs to well over 100 local jurisdictions. The cooperatives would have to identify these jurisdictions and maintain their current contact information. Given the proposed annual reporting and update requirements in section 25.53(c)(1), which TEC proposes be changed, electric cooperatives would seemingly have to distribute their EOPs or summaries at least every year if not more. This is an overly burdensome requirement, particularly considering that entities must already have a plan for communicating with the public in an emergency.

TEC proposes the distribution requirement be replaced with an availability requirement—entities should be required to make their public, redacted EOP available to local jurisdictions upon request. For added accessibility, the Commission could place on its Storm Resources webpage a notice and link to the docket control number where the filed EOPs can be found by the public and local jurisdictions.

Proposed section 25.53(d)(2) requires entities to maintain and include in an EOP a record of distribution to persons in the entity’s organization receiving the EOP. TEC expects many electric cooperatives will distribute the EOP to all or a majority of employees. Maintaining a list of the titles, names, and dates of distribution for all such employees is overly burdensome and unnecessary. For larger cooperatives and electric utilities, this list will contain hundreds of names, which would require frequent update as employees come and go or change positions. TEC therefore recommends that this record of distribution be limited to management-level personnel who receive the EOP, which would still serve the purpose of recording that the EOP is distributed to responsible personnel, but allow entities to better manage the reporting requirement.

E. Communications plan language should be clarified and provide guidance on the governmental entities to include.

Proposed section 25.53(d)(5) of the PFP requires entities to describe their procedures for communicating during an emergency. TEC proposes some non-substantive clarifying changes to sections 25.53(d)(5)(A) and (C) to make clear that the procedures to include in an EOP are for communicating and handling complaints “during an emergency.” While this qualifier already appears in the subsections, its location may be interpreted to not modify “handling complaints.” TEC also suggests adding the word “customer” to clarify the type of complaints that must be addressed in an EOP.

Proposed section 25.53(d)(5)(A), (B), and (D) require a description of procedures for communicating with “local and state governmental entities, officials, and emergency operations centers” during an emergency. As with “local jurisdictions” in proposed section 25.53(d)(4)(D), this phrase is overly broad and appears to suggest that entities must have a plan for communicating with every conceivable local and state entity and official. Such a broad communication requirement could undermine emergency operations during periods when resources are strained. TEC recommends that the Commission identify specific and limited governmental entities that should be included in a communication plan, or qualify this phrase with “as appropriate in the circumstances for the entity.”

F. Remove references to §25.55 in the cold weather and hot weather annex provisions.

Proposed sections 25.53(e)(1)(A)(i), (1)(B)(i), (2)(A)(i), and (2)(B)(i) require operational plans intended to mitigate the hazards of cold or hot weather emergencies, “separate and distinct from the weather preparations standards under §25.55.” This quoted language is confusing. It is unclear what operational plans intended to mitigate the hazards of cold weather would be separate and distinct from those required under section 25.55. If the Commission intends that entities not describe in an EOP any plan or measure already described in the section 25.55 reports, then clearer language to this effect should be used. If the Commission expects entities to identify operational plans or procedures in addition to what is listed in the 25.55 reports, then additional guidance on what is expected may be necessary. Ultimately, any confusion can be resolved by removing the reference to section 25.55.

Section 25.55 identifies winter weather preparation measures that must be taken by generation resources and transmission service providers. They include measures to ensure the

sustained operation of cold weather critical components, staffing plans, and operational readiness, as well as training on winter weather preparations and operations.¹³ These requirements seem to fall within the scope of “operational plans intended to mitigate the hazards of a cold weather emergency.” It also seems appropriate for an entity to include in its EOP some of the weather preparation measures identified in the section 25.55 report.

To reduce confusion and give entities the flexibility to include whatever operational plans are appropriate for its EOP, TEC recommends the Commission delete “separate and distinct from the weather preparations standards under §25.55” from proposed sections 25.53(e)(1)(A)(i), (1)(B)(i), (2)(A)(i), and (2)(B)(i).

G. Reporting during activation of State Operations Center should apply only to “affected” entities.

Proposed section 25.53(g) requires entities to provide updates on the status of operations, outages, and restoration efforts upon request during an activation of the State Operations Center by TDEM. The current rule contains a similar requirement, but is clarified to apply only to “affected” entities during such a scenario. To avoid the suggestion that an electric cooperative in the Panhandle may be required to report to Staff during a hurricane on the Gulf Coast, TEC recommends that the word “affected” continue to remain in this paragraph.

III. Conclusion

TEC appreciates the opportunity to comment on this PFP. TEC respectfully requests the Commission consider TEC’s proposed improvements to new 16 TAC §25.53, which are intended to provide clarity, reduce unnecessary burdens while still achieving the rule’s purpose, avoid unintentional expansion of Commission jurisdiction over retail electric distribution cooperative operations, and provide better guidance on who must receive communications during emergencies. TEC is available to provide any additional information that may be helpful to the Commission.

¹³ 16 TAC §§ 25.55(f)(1)(A) & (D).

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Respectfully submitted,

/s/Julia Harvey

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**Texas Electric Cooperatives, Inc. (TEC)
Executive Summary of Comments**

- Initial filing deadline. To allow entities, including the many small electric cooperatives that operate with lean resources, sufficient time to modify their EOPs, the initial EOP filing deadline should be June 1, 2022, or at least three months after adoption of the final rule.
- Annual filing requirement. To mitigate the unnecessary costs of re-filing, redistributing, and re-attesting to the EOP each year, the automatic annual filing requirement in new section 25.53(c)(1) should be removed. Public benefit can be sufficiently achieved by requiring an updated EOP by February 15 each year if the entity activated its EOP and needs to include an after-action report. Updates due to material changes would still be required, as exists today and as proposed in section 25.53(c)(4)(C).
- Operational requirements. Due to the Commission’s limited jurisdiction over retail electric distribution cooperatives that do not operate a transmission facility or generation resource, the operational standards in the PFP—such as Staff’s ability to review and require changes to an EOP, required pre-and post-emergency meetings, and required drills—should except retail electric distribution cooperatives or be modified to report-only requirements.
- EOP distribution to local jurisdictions and employees. Distributing an EOP or summary to “local jurisdictions” is overly burdensome, particularly considering that entities must already have a plan to communicate with the public in an emergency. The distribution requirement should be removed. Instead, entities should be required to make their public, redacted EOP available to local jurisdictions upon request. Further, the Commission could place on its Storm Resources webpage a notice and link to the docket where the filed EOPs can be found by the public and local jurisdictions. The record of internal distribution within an entity should be limited to management-level employees, as maintaining a record of all employees who receive the EOP is overly burdensome and unnecessary.
- Communications plan. The Commission should clarify that communications procedures in new sections 25.53(d)(5)(A) and (C) are for communicating and handling “customer” complaints “during an emergency.” Procedures for communicating with “local and state governmental entities, officials, and emergency operations centers” is overly broad. The Commission should identify specific and limited governmental entities that should be included in a communication plan, or qualify this phrase with “as appropriate in the circumstances for the entity.”
- References to §25.55. To reduce confusion and allow flexibility, the phrase “separate and distinct from the weather preparations standards under §25.55” should be removed from the provisions dealing with operational plans intended to mitigate the hazards of cold or hot weather emergencies.
- Reporting. The requirement in new section 25.53(g) to report during activation of State Operations Center should only apply to “affected” entities.

EXHIBIT A

Texas Electric Cooperatives, Inc.'s Redline Comments to PFP

§25.53. Electric Service Emergency Operations Plans.

- (a) **Application.** This section applies to each electric utility, transmission and distribution utility, power generation company (PGC), municipally owned utility, electric cooperative, and retail electric provider (REP), and to the Electric Reliability Council of Texas (ERCOT). The term “entity” as used in this section refers to the above-listed entities.
- (b) **Definitions.**
- (1) **Annex** -- a section of an emergency operations plan (EOP) that addresses how an entity plans to respond to the incidence of a specific hazard or threat.
- (2) **Drill** -- an operations-based exercise that is a coordinated, supervised activity employed to test an entity’s EOP. A drill may be used to develop or test new policies or procedures or to practice and maintain current skills.
- (3) **Emergency** -- any incident resulting from an imminent hazard or threat that endangers life or property or presents credible risk to the continuity of electric service. The term includes an emergency declared by local, state, or federal government; ERCOT; or a Reliability Coordinator that is applicable to the entity.
- (4) **Emergency operations plan** -- the plan and attached annexes, maintained on a continuous basis by an entity, intended to protect life and property and ensure continuity of adequate electric service in response to an emergency.
- (5) **Hazard** -- a natural, technological, or human-caused condition that is potentially dangerous or harmful to life, information, operations, the environment, or property.
- (6) **Threat** -- the intention and capability of an individual or organization to harm life, information, operations, the environment, or property.

(c) Filing requirements.

(1) An entity must file an EOP under this section by ~~June~~^{April} 1, 2022. Beginning in 2023, an entity must ~~annually~~ file an EOP no later than February 15 in the manner prescribed by the commission ~~if, in the prior calendar year, the entity activated its EOP in response to an emergency, in which case the EOP must include for each such emergency a summary after-action report that includes lessons learned and an outline of any changes the entity made to the EOP as a result.~~

(A) An entity must file with the commission its unredacted EOP in its entirety and a public, redacted EOP.

(B) For an entity with operations within the ERCOT power region, the entity must submit its unredacted EOP in its entirety to ERCOT.

~~(C) Beginning in 2023, the annual EOP must include, for each incident in the prior calendar year that required the entity to activate its EOP, a summary after action report that includes lessons learned and an outline of changes the entity made to the EOP as a result.~~

~~(23)~~ A person seeking registration as a PGC or certification as a REP must file an EOP with the commission at the time it applies for registration or certification with the commission, and must submit the EOP to ERCOT if it will operate in the ERCOT power region, no later than ten days after the commission approves the person's certification or registration.

~~(34)~~ Updated filings. An entity must file an updated EOP with the commission within 30 days under the following circumstances.

(A) An entity, ~~except an electric cooperative that does not operate a transmission facility or generation resource,~~ must file an updated EOP if commission staff determines that the entity's EOP on file does not contain sufficient information

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to determine whether the entity can provide adequate electric service through an emergency.

(B) An entity, except an electric cooperative that does not operate a transmission facility or generation resource, must file an updated EOP in response to feedback provided from commission staff.

(C) An entity must file an updated EOP if the entity makes a significant change to its EOP. A significant change to an EOP includes a change that has a material impact on how the entity would respond to an emergency. The entity must file the updated EOP with the commission no later than 30 days after the change takes effect.

(D) An entity with operations within the ERCOT power region must submit its updated EOP under paragraphs (c)(4)(A), (c)(4)(B), and (c)(4)(C) to ERCOT within 30 days of filing the updated EOP with the commission.

~~(45)~~ Notwithstanding the other requirements of this subsection, ERCOT must maintain a current EOP in its entirety, consistent with the requirements of this section and available for review by the commission or the commission's designee.

(d) Information to be included in the emergency operations plan. An entity's EOP must address both common operational functions that can be used for every type of emergency and annexes that outline the entity's response to the types of emergencies specified in subsection (e). Each entity's EOP must include the following information, if applicable. If a provision in this section does not apply to an entity, the entity must include in its EOP an explanation of why the provision does not apply.

(1) An approval and implementation section that:

(A) introduces the EOP and outlines its applicability;

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- (B) lists the individuals responsible for maintaining and implementing the EOP, and those who can change the EOP;
 - (C) provides a revision control summary which outlines and dates each change made to the EOP since the last time the EOP was adopted by the entity;
 - (D) provides a dated statement that the current EOP supersedes previous EOPs; and
 - (E) the date the EOP was most recently approved by the entity.
- (2) A record of distribution that contains the following information in table format:
 - (A) titles and names of management-level personnel ~~persons~~ in the entity's organization receiving the EOP; and
 - (B) dates of distribution.
- (3) A list of emergency contacts for the entity, including identification of single points of contact during an emergency.
- (4) An affidavit from the entity's highest-ranking representative, official, or officer with binding authority over the entity affirming the following:
 - (A) relevant operating personnel are familiar with and have received training on the contents of the EOP, and such personnel are committed to following the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of an emergency;
 - (B) the EOP has been reviewed and approved by the appropriate executives;
 - (C) required drills have been conducted;
 - (D) the public, redacted EOP is available ~~or an appropriate summary has been distributed to local jurisdictions upon request as needed;~~
 - (DE) the entity maintains a business continuity plan that addresses returning to normal operations after disruptions caused by an emergency~~incident~~; and

(EF) the entity's emergency management personnel who are designated to interact with local, state, and federal emergency management officials during emergency events have received National Incident Management System training, specifically IS-700.a, IS-800.b, IS-100.b, and IS-200.b.

(5) A communication plan.

(A) An entity with transmission or distribution service operations must describe the procedures for handling customer complaints during an emergency and for communicating during an emergency with the public; the media; customers; the commission; local and state governmental entities, officials, and emergency operations centers, as appropriate in the circumstances for the entity; the applicable Reliability Coordinator; and critical load customers directly served during an emergency.

(B) An entity with generation operations must describe the procedures for communicating during an emergency with the public; the media; the commission; fuel suppliers; local and state governmental entities, officials, and emergency operations centers, as appropriate in the circumstances for the entity; and the applicable reliability coordinator.

(C) A REP must describe the procedures for communicating during an emergency with the public, media, customers, and the commission and the procedures for handling customer complaints during an emergency.

(D) ERCOT must describe the procedures for communicating, in advance of and during an emergency, with the public, the media, the commission, governmental entities and officials, the state emergency operations center, and market participants.

(6) A plan to maintain pre-identified supplies for emergency response.

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(7) A plan that addresses staffing during emergency response.

(8) A plan that addresses how an entity identifies weather-related hazards, including tornadoes, hurricanes, extreme cold weather, extreme hot weather, drought, and flooding, and the process the entity follows to activate the EOP.

(9) Each relevant annex as detailed in subsection (e) and other annexes applicable to an entity.

(c) Annexes to be included in the emergency operations plan.

(1) An electric cooperative, an electric utility, a municipally owned utility, or a transmission and distribution utility must include in its EOP for its transmission and distribution facilities the following annexes:

(A) A cold weather emergency annex that includes:

(i) operational plans intended to mitigate the hazards of a cold weather emergency, ~~separate and distinct from the weather preparation standards required under §25.55 (relating to Weather Emergency Preparedness):~~

(ii) a checklist for transmission facility personnel to use during cold weather emergency response; and

(iii) ~~procedures a requirement for pre and post weather emergency meetings~~ to review lessons learned from past cold weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.

(B) A hot weather emergency annex that includes:

(i) operational plans intended to mitigate the hazards of a hot weather emergency, ~~separate and distinct from the weather preparation standards required under §25.55:~~

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(ii) a checklist for transmission facility personnel to use during hot weather emergency response; and

(iii) procedures ~~a requirement for pre- and post-weather emergency meetings~~ to review lessons learned from past hot weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.

(C) A load shed annex that must include:

(i) procedures for controlled shedding of load, whether caused by planned or forced interruption of service;

(ii) priorities for restoring shed load to service; and

(iii) a registry of critical load customers, directly served, if maintained by an electric utility, an electric cooperative, or a municipally owned utility.

The registry must be updated as necessary but, at a minimum, annually.

The registry must include the process for maintaining an accurate registry, the process for providing assistance to critical load customers in the event of an unplanned outage, the process for communicating with the critical load customers, and the process for training staff with respect to serving critical load customers.

(D) A pandemic and epidemic annex;

(E) A wildfire annex that addresses both response to a wildfire emergency and plans intended to mitigate the hazards of wildfire to the entity's facilities;

(F) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by the Texas Division of Emergency Management (TDEM);

(G) A cyber security annex;

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- (H) A physical security incident annex; and
- (I) Any additional annexes as needed or appropriate to the entity's particular circumstances.
- (2) An electric utility or a municipally owned utility that operates a generation resource, an electric cooperative that operates a generation resource in Texas, and a PGC must include the following annexes for its generation resources:

 - (A) A cold weather emergency annex that includes:

 - (i) operational plans intended to mitigate the hazards of a cold weather emergency, ~~separate and distinct from the weather preparations standards under §25.55;~~
 - (ii) verification of the adequacy and operability of fuel switching equipment, if installed;
 - (iii) a checklist for generation resource personnel to use during cold weather emergency response; and
 - (iv) ~~procedures a requirement for pre and post weather emergency meetings~~ to review lessons learned from past cold weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.
 - (B) A hot weather emergency annex that includes:

 - (i) operational plans intended to mitigate the hazards of a hot weather emergency, ~~separate and distinct from the weather preparation standards under §25.55;~~
 - (ii) a checklist for generation resource personnel to use during hot weather emergency response; and

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- (iii) procedures a requirement for pre and post weather emergency meetings to review lessons learned from past hot weather emergency incidents and to ensure necessary supplies and personnel are available through the weather emergency.
 - (C) A water shortage annex that addresses supply shortages of water used in the generation of electricity;
 - (D) A restoration of service annex that identifies plans intended to restore to service a generation resource that failed to start or that tripped offline due to a hazard or threat;
 - (E) A pandemic and epidemic annex;
 - (F) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by TDEM;
 - (G) A cyber security annex;
 - (H) A physical security incident annex; and
 - (I) Any additional annexes as needed or appropriate to the entity's particular circumstances.
- (3) A REP must include in its EOP the following annexes:
 - (A) A pandemic and epidemic annex;
 - (B) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by TDEM;
 - (C) A cyber security annex;
 - (D) A physical security incident annex; and
 - (E) Any additional annexes as needed or appropriate to the entity's particular circumstances.
- (4) ERCOT must include the following annexes:

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(A) A pandemic and epidemic annex;

(B) A weather emergency annex that addresses ERCOT's plans to ensure continuous market and grid management operations during weather emergencies, such as hurricanes, tornadoes, extreme cold weather, extreme hot weather, and flooding;

(C) A hurricane annex that includes evacuation and re-entry procedures if facilities are located within a hurricane evacuation zone, as defined by TDEM;

(D) A cyber security annex;

(E) A physical security incident annex; and

(F) Any additional annexes as needed or appropriate to ERCOT's particular circumstances.

(f) **Drills.** An entity, except an electric cooperative that does not operate a transmission facility or generation resource, must conduct or participate in one or more drills annually to test its EOP if its EOP has not been implemented in response to an incident within the last 12 months. If the entity operates in a hurricane evacuation zone as defined by TDEM, at least one of the annual drills must include a test of its hurricane annex. Following the annual drills, the entity must assess the effectiveness of the drills and change its EOP as needed. An entity, except an electric cooperative that does not operate a transmission facility or generation resource, must notify commission staff, using the method and form prescribed by commission staff, as described on the commission's website, and the appropriate TDEM District Coordinators, by email or other written form, of the date, time, and location at least 30 days prior to the date of at least one drill each year. An electric cooperative that does not operate a transmission facility or a generation resource must describe its plans for drilling activities to test its EOP.

(g) **Reporting requirements.** Upon request by commission staff during an activation of the State Operations Center by TDEM, an affected entity must provide updates on the status of operations, outages, and restoration efforts. Updates must continue until all incident-related outages are

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restored or unless otherwise notified by commission staff. After an emergency, commission staff may require an affected entity to provide an after action or lessons learned report and file it with the commission by a date specified by commission staff.